



**THE CITY OF NEW YORK
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BY ECF

Honorable Jennifer L. Rochon
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Benjamin Case, et al. v. City of New York, et al.,
14 Civ. 9148 (JLR) (BCM)

Your Honor:

I am the attorney assigned to represent defendants in the above-referenced matter. Defendants write to request an adjournment of the upcoming trial date in this matter of January 3, 2024. Plaintiff's counsel consents to this request.

This adjournment is requested due to the unavailability of one of the defendants for the current trial date.¹ The defendant was personally present for, and involved in, the events giving rise to the plaintiff's arrest. Thus, counsel for all parties agree that the trial should proceed with the defendant's participation, if possible. While this is an older case and the parties are eager to resolve it, they have agreed that an adjournment of the current trial date is, unfortunately, necessary.

This is the fourth request by the parties for an adjournment of this trial. The first two requests were made in 2020 due to the ongoing COVID-19 pandemic (ECF Nos. 149 and 151). The third request was made due to scheduling conflicts on behalf of plaintiff's counsel in 2021. (ECF No. 155). Most recently, the Court adjourned the trial of this matter *sua sponte* from October 2, 2023 to January 3, 2024. (ECF No. 209).

Accordingly, the parties respectfully request that the Court adjourn this trial *sine die* and are prepared to address availability for the rescheduling of this matter at the final pre-trial conference scheduled for December 13, 2023, or by an appropriate deadline fixed by the Court.

¹ Defense counsel has provided additional details to plaintiff's counsel and can provide background to the Court *ex parte*, if needed.

Defendants thank the Court for its time and attention.

Respectfully submitted,


/s/ _____

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CC: BY ECF
All Counsel of Record